

**REMARKS**

In response to the Office Action mailed December 23, 2005, Applicants respectfully request reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1 to 26 are pending in this application, of which claims, 1, 8, 13, and 19 are independent claims. By this amendment, Applicants have added new claims 15 to 26, of which claim 19 is an independent claim, to further define Applicants' contribution to the art. Applicants have also amended claims 1, 3, 4 and 8 to 14. No new matter has been added by these amendments. The application is now believed to be in allowable condition.

A. Rejections under 35 U.S.C. § 102

On page 2 of the Office Action, claims 1-12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rodgers (U.S. Patent No. 5,989,091).

1. Independent Claim 1 and Associated Dependent Claims

Applicants' independent claim 1, as amended, is directed to an apparatus comprising at least one sensor to monitor at least one detectable condition. The at least one detectable condition includes at least one of an impact associated with the apparatus and a centrifugal force associated with the apparatus. The apparatus further comprises at least one output device to provide at least one perceivable condition. The at least one output device includes at least one LED-based light source configured to generate variable color light. The apparatus further comprises at least one controller configured to control the at least one output device based at least in part on the at least one detectable condition.

Rodgers fails to disclose or suggest the apparatus of claim 1 because Rodgers does not disclose a system including a sensor to monitor an impact or a centrifugal force. Instead, Rodgers only discloses three types of sensors: a water probe, a motion responsive switch, and a pressure sensitive switch (Rodgers, Column 1, Lines 35- 65). These sensors respectively monitor contact with water, motion of the system, and pressure applied to a specific area of the system. The water probe clearly does not monitor any impact or centrifugal force without any need for explanation.

It is clear that the pressure sensitive switch also does not monitor any centrifugal force or impact per se, but instead monitors only when a specific portion of the device is squeezed. Rodgers specifically states “it is preferred to put the pressure sensitive switch in the beak...the beak surface must be made flexible enough that the pressure switch therein may be digitally actuated” (Rodgers, Column 1, Lines 47 to 52). The beak surface would only need to be flexible so as to facilitate squeezing that portion of the system. Therefore, it is clear that the pressure sensitive switch in Rodgers monitors only this squeezing and does not monitor either an impact or a centrifugal force.

Furthermore, it is clear that the third sensor, the motion sensitive switch, also does not monitor an impact or a centrifugal force. The motion switches described in Rodgers (mercury switches, ball switches, and spring switch switches) all detect continuous linear motions (e.g., a child moving the duck forward along a surface of water) (Column 2, Lines 11-21). This type of linear motion does not correspond to any centrifugal forces since centrifugal forces are generating only by circular motion. The linear motion also does not correspond to an impact

since the switches react when the object is in continuous motion. Therefore, Rodgers does not suggest or disclose a sensor that will specifically detect a centrifugal force or an impact.

Rogers also fails to disclose or suggest the apparatus of Applicants' independent claim 1 because Rogers does not disclose or suggest the use of at least one LED-based light source configured to generate variable color light. Instead, Rogers describes LEDs that operate together to generate a single color light. Rogers' Figure 2 shows the LEDs (14) being connected in parallel so that the same voltage is applied to all LEDs each time they are activated. Rogers never describes varying the voltage applied to these LEDs other than in connection with turning them on and turning them off. Whenever these LEDs are turned on, then, they produce only the one color light corresponding to that same voltage. When they are turned off, they produce no light at all. This single color light generation of Rogers contrasts the variable color light recited in claim 1.

In contrast to Rodgers, Applicants' claim 1 specifically recites an apparatus that comprises a sensor to monitor at least one detectable condition that includes at least one of an impact associated with the apparatus and a centrifugal force associated with the apparatus. In further contrast to Rodgers, Applicants' claim 1 also recites at least one LED-based light source configured to generate variable color light. As described above, Rodgers fails to disclose such features. In view of the foregoing, Applicants' claim 1 patentably distinguishes over Rodgers and is in condition for allowance. Claims 2 to 7 depend from claim 1 and hence are also allowable at least based upon their dependency. Therefore, the rejections of independent claim 1 and dependent claims 2 to 7 under 35 U.S.C. § 102 should be withdrawn.

2. Independent Claim 8 and Associated Dependent Claims

Applicants' independent claim 8, as amended, is directed to a method for enhancing interactivity with a toy or consumer product. This method comprises monitoring a plurality of detectable conditions associated with the toy or consumer product, providing a plurality of different perceivable lighting conditions from the toy or consumer product, and providing a plurality of different sounds from the toy or consumer product. The method further comprises controlling the plurality of different perceivable lighting conditions and the plurality of different sounds, so as to provide at least one first sound of the plurality of different sounds and at least one first lighting condition of the plurality of different lighting conditions, based at least in part on the at least one detectable condition.

Rodgers fails to disclose or suggest such a method. Specifically, Rodgers does not disclose a method of providing a plurality of different perceivable lighting conditions and a plurality of different sounds. Instead, Rodgers discloses an apparatus that produces only one lighting condition and one sound. Specifically, a combination of motion and the presence of water will produce one response from the apparatus described in Rodgers, and squeezing the pressure sensor will produce the identical response.

It is clear, from the circuit diagram of Rodgers' Figure 2, that the object in Rodgers does not distinguish among inputs when producing a response. Rodgers' Figure 2 illustrates that the same continuous voltage from the battery is connected to node N1 when either the pressure sensitive switch is activated or the water probe and motion detector are activated (Column 1, Line 60 to Column 2, Line 5). Since all inputs to node N1 are identical, and node N1 provides

the only input to any of the output devices, there is no way for the output devices to differentiate one input from another.

Moreover, Rodgers' Figure 2 illustrates that the node N1 provides identical input to only one pin of the oscillator chip 21 and one pin of the sound synthesizer 18. Since these identical inputs are always applied to the same pin of the two output devices, the same response must result when any of those inputs are applied since Rodgers does not disclose or suggest the use of a sound synthesizer or oscillator chip that produces varying responses based on identical inputs. Therefore, Rodgers does not suggest or disclose a method comprising providing a plurality of different perceivable lighting conditions and a plurality of different sounds.

Applicants' claim 8 specifically recites providing a plurality of different perceivable lighting conditions from the toy or consumer product and providing a plurality of different sounds from the toy or consumer product. As described above, Rodgers fails to disclose such features. In view of the foregoing, Applicants' claim 8 patentably distinguishes over Rodgers and is in condition for allowance. Claims 9 to 12 depend from claim 8 and hence are also allowable at least based upon their dependency. Therefore, the rejections of independent claim 8 and dependent claims 9 to 12 under 35 U.S.C. § 102 should be withdrawn.

B. Rejections under 35 U.S.C. § 103

On page 3 of the Office Action, claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Rodgers (U.S. Patent No. 5,989,091) in view of Lys (U.S. Patent No. 6,166,496).

Applicants' independent claim 13, as amended, is directed to a toy comprising at least one LED-based light source configured to provide multicolored illumination, and at least one sound generating device. The toy further comprises at least one controller configured to control the at least one LED-based light source and the at least one sound generating device to provide at least one coordinated sound and light effect based at least in part on at least one detectable condition that includes at least one of an impact and a centrifugal force.

As discussed above, Rodgers does not disclose or suggest any means of monitoring or reacting to an impact or a centrifugal force. Hence, Rodgers does not disclose or suggest a system comprising at least one controller configured to control at least one LED-based light source and at least one sound generating device to provide at least one coordinated sound and light effect based at least in part on at least one detectable condition that includes at least one of an impact and a centrifugal force.

Moreover, Lys also does not disclose or suggest a system comprising a controller with this functionality. As such, a limitation of Applicants' independent claim 13 is not disclosed or suggested in either Rodgers or Lys.

Applicants' claim 13 specifically recites at least one controller configured to control at least one LED-based light source and at least one sound generating device to provide at least one coordinated sound and lighting effect based at least in part on at least one detectable condition that includes at least one of an impact and a centrifugal force. As described above, both Rodgers and Lys fail to disclose such a feature, as such, the combination of Rodgers and Lys cannot render claim 13 obvious. Accordingly, Applicants' claim 13 patentably distinguishes over the

PATENTS  
Serial No.: 10/717193  
Confirmation No.: 6235  
Attorney Docket No. CKB-113.01

combination of Rodgers and Lys and is in condition for allowance. Claim 14 depends from claim 13 and hence is also allowable at least based upon this dependency. Therefore, the rejections of independent claim 13 and dependent claim 14 under 35 U.S.C. § 103 should be withdrawn.

C. Conclusion

It is respectfully believed that all of the rejections, objections, or comments set forth in the Office Action have been addressed. However, the absence of a reply to a specific rejection, objection, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, objection, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes after this amendment that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

PATENTS  
Serial No.: 10/717193  
Confirmation No.: 6235  
Attorney Docket No. CKB-113.01

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. **06-1448**, reference **CKB-113.01**.

Respectfully submitted,

March 23, 2006  
**Customer No: 25181**  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600

/Joseph Teja, Jr./  
Joseph Teja, Jr., Reg. No. 45,157  
Attorney for Applicants  
617-832-1183